

Remarks:

Claims:

Claim 1 is amended herein. Claim 2 is previously presented. Claims 3 - 10 were previously cancelled. Claims 11 - 17 are withdrawn as indicated by the Examiner. Claims 18 - 26 are cancelled herein. Claim 27 is amended herein.

Thus, claims 1, 2 and 27 are currently being examined in this application and claims 11 - 17 are presently withdrawn from examination.

Amendments:

Support for the amendments to the claims can be found in the application as originally filed. No new matter is added.

Fees:

Any necessary claim or other fees are to be charged to and any refunds credited to deposit account 26-0166.

Claim Objections:

The Examiner has objected to claim 1 because claim 1 allegedly contains non-elected subject matter. Applicants believe the Examiner is mistaken and believe that all compounds specified in claim 1 fall within the generic scope of claim 27 which is directed to the subject matter encompassed by invention V, as defined by the Examiner, that is, compounds or compositions of the formula I, where Z=N, X=N, and P is a phenyl group and Q is a phenyl ring.

In the event the Examiner maintains this objection, Applicants respectfully solicit the Examiner's guidance as to which compound(s) fall outside the scope of invention V.

Claim rejections under 35 U.S.C. § 112, first paragraph:

The Examiner has rejected claims 1, 2 and 27 because, allegedly, the specification does not reasonably provide enablement for a "solvate or a solvate of a salt thereof." Applicants disagree. However, solely to advance examination and allowance of this application, Applicants have cancelled the objected-to language from the claims.

Claim rejections under 35 U.S.C. § 112, second paragraph:

The Examiner has rejected claims 2 and 27 as being indefinite because, "heterocyclic ring" required clarification. Applicants respectfully traverse the rejection. Applicants point out that in the claim heterocyclic ring is defined as "a 5 or 6 membered heterocyclic ring containing

one or more heteroatoms independently selected from N, O, or S." Applicants respectfully submit that the foregoing definition does particularly point out and distinctly describe a set of ring structures and that a person skilled in the art would understand the individual rings encompassed by the definition.

The Examiner has rejected claims 2 and 27 as being indefinite because, allegedly, the term "optionally substituted" renders the claim indefinite. Applicants disagree. However, solely to advance examination and allowance of this application, Applicants have cancelled the objected-to language (may be optionally substituted by A) and inserted in place thereof "may have a C₁₋₆alkyl substituent thereon." Accordingly, Applicants have in addition cancelled the definition of A

Accordingly, in view of the foregoing, Applicants respectfully request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 112, second paragraph.

Double patenting:

Applicant note the Examiner's non-statutory double patenting rejections. However, Applicants respectfully request that the double patenting rejections be held in abeyance until allowable claims are agreed and the existence, or otherwise, of non-statutory double patenting may be properly determined.

Conclusion:

Applicants respectfully submit that the claims as presented are in condition for allowance and solicit further prompt action on the merits.

Respectfully submitted,

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